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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/826,646

04/16/2004

Bernd Wahle

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08/22/2007

COGNIS CORPORATION
PATENT DEPARTMENT
300 BROOKSIDE AVENUE
AMBLER, PA 19002

EXAMINER

KUMAR, PREETI

ART UNIT

PAPER NUMBER

1751

MAIL DATE

DELIVERY MODE

08/22/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/826,646	Applicant(s) WAHLE ET AL.	
	Examiner Preeti Kumar	Art Unit 1751	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 June 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 36-39, 41-47 and 49-55 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 36-39, 41-47 and 49-55 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|-------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date, _____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____. | 6) <input type="checkbox"/> Other: _____. |

Final Rejection

1. Applicant's election with traverse of 36-39, 41-47 and 49-55 read on the elected species wherein R is C-C-C; AO is C₃H₆O (propylene oxide); each R' and R'' is OC-CH₂-S-SO₃M and M is sodium and $x+y+z = 50$ in the reply filed on 6/7/2007 is acknowledged. The traversal is on the ground(s) that the compounds claimed can be examined with undue difficulty. This is not found persuasive because there is serious burden on the Examiner to search all the permutations & combinations of the recited formulas having at least 9 variables. The requirement is still deemed proper and is therefore made FINAL.

Response to Amendment

2. The objection to the disclosure is withdrawn in light of Applicants amendment to the claims which amendment is supported by the original German application on at least page 2.
3. The rejection of claim 37 under 35 U.S.C. 112, second paragraph, is withdrawn in light of Applicants amendment to the claims.
4. The rejection of claims 36-39, 41-45 and 49-55 under 35 U.S.C. 102(b) as anticipated by Benisek et al. (US 4,448,817) is withdrawn.

Response to Arguments

Applicant's arguments filed 6/7/2007 have been fully considered but they are not persuasive. Applicants urge that Benisek et al. do not teach the claimed invention comprising textile fiber cleaning surfactants. This is not found convincing since Benisek et al. teach water-soluble curable shrink-resist polymers having ionic charges.

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Isocyanate functional polymers, and especially blocked isocyanate polymers, are preferred particularly water-soluble blocked isocyanates such as polycarbomyl sulphonates. Examples of suitable polymers include polycarbamoyl sulphonates, bunte salt polymers, the amphoteric polymers and anionic acrylate emulsions. Cationic polymers such as a polyamideepichlorhydrin polymer, or azetidinium polymers, may also be used provided they are compatible with the chlorinated polymer emulsion used, if a cationic emulsion is employed. When the preferred chlorinated polymer emulsions are used, which are anionic, it is preferred to use anionic anti-felt polymers. This teaching of amphoteric polymers and anionic acrylate emulsions and cationic polymers encompasses the broad language of cleaning surfactants and textile fiber softening agents. Applicants urge that Benisek et al. do not teach drying the fabric. Contrary to Applicants arguments, Benisek et al. teach curing the composition on the fabric which curing step would also dry the textile that the composition is on. Accordingly the rejection over Benisek et al. (US 4,448,817) has been maintained.

New Grounds of Claim Rejections

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

5. Claims 36-39, 41-47 and 49-55 are rejected under 35 U.S.C. 103(a) as obvious over Benisek et al. (US 4,448,817).

Benisek et al. teach a method finishing keratinous textile articles, for example wool fabrics, which comprises treating the articles with an anti-felt polymer for example isocyanate functional or bunte salt functional polymers, and a polymer of chlorinated

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ethylenically unsaturated monomer, for example polyvinyl chloride, polyvinylidene chloride, polypropylene, and dichlorobutadiene. Thereafter, the articles are treated with an anionic titanium or zirconium complex at low pH. Textiles so treated exhibit both shrink-resistant and flame-retardant properties. See abstract.

Regarding the claimed cleaning surfactant and textile fiber softening agents, Benisek et al. teach water-soluble curable shrink-resist polymers having ionic charges. Isocyanate functional polymers, and especially blocked isocyanate polymers, are preferred particularly water-soluble blocked isocyanates such as polycarbonyl sulphonates. Examples of suitable polymers include polycarbamoyl sulphonates, bunte salt polymers, the amphoteric polymers and anionic acrylate emulsions. Cationic polymers such as a polyamideepichlorhydrin polymer, or azetidinium polymers, may also be used provided they are compatible with the chlorinated polymer emulsion used, if a cationic emulsion is employed. When the preferred chlorinated polymer emulsions are used, which are anionic, it is preferred to use anionic anti-felt polymers. This teaching of amphoteric polymers and anionic acrylate emulsions and cationic polymers encompasses the broad language of cleaning surfactants and textile fiber softening agents. See col.1,ln.55-65.

Benisek et al. illustrate in claim 4, (in col. 9, the second formula) exactly the same claimed elected formula recited by the instant claims 36-37. Regarding the pH of the composition, Benisek et al. teach a pH of about 4. See claim 1.

Benisek et al. do not teach drying the textile however teach curing the composition on the textile.

It would have been obvious to one of ordinary skill to dry the textile after treatment, since drying textile after washing or treatment of any kind is commonly known. And furthermore, Benisek et al. teach curing the composition on the fabric which curing step would also dry the textile that the composition is on.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Preeti Kumar whose telephone number is 571-272-1320. The examiner can normally be reached on 9am-5pm M-F.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doug McGinty can be reached on 571-272-1029. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Examiner Preeti Kumar *PK*
Art Unit 1751

PK

Doug McGinty
DOUGLAS MCGINTY
SUPERVISORY PATENT EXAMINER

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